UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-75-MOC

BRIAN GREEN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
WELLS FARGO, N.A.,	)	**ORDER**
BROCK & SCOTT, PLLC,	)	
	)	
	)	
Defendants.	)	
———————————————	)	

THIS MATTER is before the Court on its own motion following the filing of a Motion

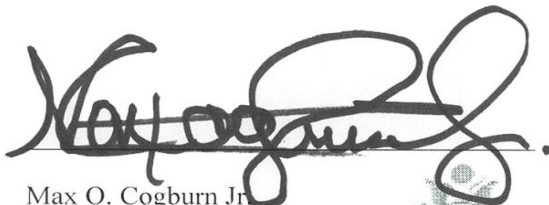to Dismiss by Defendants, (Doc. No. 15), on June 1, 2019.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises

Plaintiff, who is proceeding pro se, that he has a right to respond to Defendants' motion.[1] The

Court also advises Plaintiff that failure to respond may result in Defendants being granted the

relief Defendants seek—that is, the dismissal of the Complaint.

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[1] The Fourth Circuit did not hold in Roseboro that such notice is required for motions to dismiss. Rather, the Fourth Circuit's discussion in Roseboro regarding notice was directed to summary judgment motions. See Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) ("We agree with the plaintiff, however, that there is another side to the coin which requires that the plaintiff be advised of his right to file counter-affidavits or other responsive material and alerted to the fact that his failure to so respond might result in the entry of summary judgment against him."); see also Norman v. Taylor, 25 F.3d 1259, 1261 (4th Cir. 1994) ("In Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), this circuit held that pro se plaintiffs must be advised that their failure to file responsive material when a defendant moves for summary judgment may well result in entry of summary judgment against them."). Nevertheless, courts routinely issue Roseboro notices for motions to dismiss, and the Court does so here.

IT IS, THEREFORE, ORDERED that:

1.	Plaintiff shall respond to the pending Motion to Dismiss, (Doc. No. 15), within 14 days of service of this Order. Failure to file a timely response will likely lead to the dismissal of this lawsuit.

Signed: June 7, 2019

Max O. Cogburn Jr
United States District Judge

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